

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

January 26, 2010

9:30 AM

OPEN SESSION

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:32 AM by Chair Karen Cesare.
2. ROLL CALL - Board Members in Attendance: Karen Cesare, Harold "Hal" Epperson, David Komm, Susan Schaefer Kliman, Claudia Perchinelli, Howell "Chip" Shay, Erick Weiland, John Willett, and Laurie Woodall. Board Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Mona P. Baskin.
3. CALL TO THE PUBLIC - No members of the public addressed the Board.
4. ADOPTION OF MINUTES
 1. December 15, 2009 Minutes - Mr. Shay moved to approve the December 15, 2009 Minutes. Ms. Woodall seconded. Motion Carried.
 2. Amendment of the April 28, 2009 Minutes, Agenda Items 5.A.2a and 5.A.2b - Dr. Schaefer Kliman moved to amend the approved April 28, 2009 Minutes as amended. Mr. Shay seconded. Motion Carried. Ms. Woodall and Mr. Komm abstained.
5. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

 - A. Proposed Dismissal
 1. M09-129, Fred E. Bloch, Architect #08027 - Mr. Fred E. Bloch, Architect #08027, appeared in person and addressed the Board. Dr. Schaefer Kliman moved to dismiss the case. Mr. Weiland seconded. After discussion, Motion Carried.
 - B. Proposed Letter of Concern
 1. M09-027, Gene C. Harrison, Land Surveyor #22762 - Mr. Epperson moved to issue Respondent a Letter of Concern regarding recordation of a survey when a cap is placed on an existing monument. Ms. Perchinelli seconded. After discussion, Motion Carried.
 - C. Proposed Consent Agreements
 1. M09-017, Richard K. Frost, P.E. (Structural) #27341 - Ms. Perchinelli moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand; Restitution: Respondent shall pay restitution to Kathy Bickelhaupt in the amount of \$450.00; and Cost of Investigation:

Respondent shall pay the cost of investigation in the amount of \$115.00. Mr. Weiland seconded. After discussion, Motion Carried.

2. M09-026, William R. Kirk, Land Surveyor #37931 – Mr. Epperson moved to accept Respondent's signed Consent Agreement with the following Order: Letter of Reprimand; Amend Survey: Respondent shall prepare a Results of Survey and record the survey in the Apache County Recorder's office; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$105.00. Ms. Woodall seconded. After discussion, Motion Carried.

D. Enforcement Advisory Committee Candidates

1. Shahid M. Rana, P.E. (Civil) #26340 – Ms. Perchinelli moved to accept Mr. Shahid's application and appoint him as an Enforcement Advisory Committee member. Mr. Komm seconded. Motion Carried.

6. HOME INSPECTOR ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

A. Proposed Letters of Concern

1. HI08-010, Mark D. Koebbe, CHI #38655 – Mr. Shay moved to direct Staff to obtain a signed Consent Agreement to resolve this matter; if no Consent Agreement is obtained, then the case should go to Formal Hearing. Mr. Epperson seconded. After discussion, Motion was withdrawn.

Mr. Shay moved to issue Respondent a Letter of Concern and advise him to modify his inspection form to reflect the current Standards. Staff is to include an acknowledgement form for Respondent to sign and return to the Board, indicating he will use an updated check list form and abide by the current Standards. Mr. Epperson seconded. Motion Carried.

2. HI09-008, Steven D. Fitzgerald, CHI #41289 – Mr. Epperson moved to issue Respondent a Letter of Concern that his inspection report was deficient and he is required to comply with the current Standards. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

B. Proposed Consent Agreements

1. HI10-011, Richard J. Dinolfi, Nonregistrant – Mr. Komm moved to accept Respondent's signed Consent Agreement encompassing the following Order: Assurance of Discontinuance: Respondent shall not practice, offer to practice, or by any implication hold himself out as qualified to practice as a home inspector or prepare home inspection reports; shall not advertise or display any card, sign or other device that may indicate to the public that he is a certified home inspector, or is qualified to practice as such; and shall not assume the title of "Certified", "Professional", "Registered Professional", or "Professional Registered" Home Inspector within the State of Arizona until Respondent is granted registration by the Board; Restitution: Respondent shall pay restitution to Mr. and Mrs. Wilson in the amount of \$300.00; Civil Penalty: Respondent shall pay a civil penalty in the amount of \$2,000.00; and Cost of Investigation: Respondent shall pay the cost of investigation in the amount of \$127.00. Mr. Weiland seconded. After discussion, Motion Carried.

C. Review, Discussion, and Consideration

1. HI07-096, Raymond S. Kludys, CHI #41610 – Dr. Schaefer Kliman moved to administratively close the case and, in the event Respondent re-applies or renews his Certification, to reopen the investigation. Mr. Komm seconded. After discussion, Motion Carried.
2. HI09-019, Jerry L. Newport, CHI #42694 – Dr. Schaefer Kliman moved to administratively close the case and, in the event Respondent re-applies or renews his Certification, to reopen the investigation. Mr. Willett seconded. After discussion, Motion Carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board.

8. **Review, Consideration, and Possible Vote on the following:**

EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

A. EXAMINATION

1. Salvador A. Vilches, EIT Examination Applicant # 090060 – Mr. Salvador Vilches appeared in person and addressed the Board. Ms. Perchinelli recused herself citing a conflict of interest and sat in the audience. Mr. Willett moved to allow Mr. Vilches to sit for the Engineer-in-Training Examination. Mr. Weiland seconded. After discussion, Motion Carried.
2. Jared L. Brown, EIT Examination Applicant # 090174 – Mr. Jared Brown appeared in person and addressed the Board. Ms. Woodall moved to allow Mr. Brown to sit for the Engineer-in-Training Examination. Mr. Shay seconded. After discussion, Dr. Schaefer Kliman moved to go into Executive Session for legal advice. Ms. Cesare seconded. Motion Carried.

The Board went into Executive Session at 9:47 AM for legal advice and returned to Regular Session at 10:08 AM.

More discussion took place and the motion is put to a vote. The Motion Failed five (5) to four (4) as follows: Ayes: Shay, Woodall, Komm, and Epperson; Nays: Perchinelli, Cesare, Weiland, Schaefer Kliman, and Willett.

3. Vasu Persaud, EIT Examination Applicant #091019 – Mr. Vasu Persaud appeared telephonically and addressed the Board. Mr. Willett moved to allow Mr. Persaud to sit for the Engineer-in-Training Examination. Mr. Komm seconded. After discussion, Motion Carried.

B. REGISTRATION

1. John H. Hielt, Electrical Engineer Applicant # 091353 – Mr. John Hielt appeared in person and addressed the Board. Ms. Woodall moved to grant Mr. Hielt's request for a waiver of the Fundamentals of Engineering Examination and grant him registration as a Professional Engineer (Electrical) after he took and passed the P.E. Examination. Mr. Komm seconded. After discussion, Motion Carried.

2. Lloyd C. True, Jr., Architect Applicant # 091394 – Mr. Lloyd C. True, Jr. appeared telephonically and addressed the Board. Dr. Schaefer Kliman moved to grant Mr. True's application for Architect registration. Ms. Perchinelli seconded. After discussion, Motion Carried.

3. Claire Clark, Architect Applicant #090752 – Ms. Claire Clark appeared in person and addressed the Board. Dr. Schaefer Kliman moved to grant Ms. Clark's application for Architect registration. Mr. Shay seconded. After discussion, Motion Carried.

4. Walt W. Gantt, Architect Applicant #091285 – Mr. Walt Gantt appeared telephonically and addressed the Board. Dr. Schaefer Kliman moved to deny Mr. Gantt's application for Architect registration. Mr. Shay seconded. After discussion, Dr. Schaefer Kliman, with Mr. Shay's approval, withdrew the motion.

Dr. Schaefer Kliman moved to grant Mr. Gantt's application for Architect registration. Mr. Shay seconded. Motion Carried.

5. Darryl Cartozian, Architect Applicant #0911077 – Dr. Schaefer Kliman moved to approve Mr. Cartozian's application for Architect registration upon verification within 90-days that he has completed the Intern Development Program ("IDP") through NCARB. If the IDP has not been completed, the application is denied. Mr. Shay seconded. After discussion, Motion Carried.

6. Scott Jackson, Architect Applicant 091252 – Mr. Scott Jackson appeared in person and addressed the Board. Dr. Schaefer Kliman moved to deny Mr. Jackson's application for Architect registration. Mr. Shay seconded. After discussion, Dr. Schaefer Kliman, with Mr. Shay's approval, withdrew the motion.

Dr. Schaefer Kliman moved to grant Mr. Jackson's application for Architect registration. Mr. Shay seconded. Motion Carried.

9. Review, Consideration, and Possible Vote on the following:
EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

1. Granting of professional or in-training registration
2. Approval to sit for the professional or in-training examination
3. Recommendation for denial of professional or in-training examination

Mr. Epperson moved to accept the committee and staff recommendations listed in items 9.1, 9.2, and 9.3. Dr. Schaefer Kliman seconded. Motion Carried.

10. **Review, Consideration, and Possible Vote on the following:**

1. National Council of Examiners for Engineering and Surveying ("NCEES") Associate and Emeritus Members Update Memo – Dr. Schaefer Kliman moved to add Deputy Director Melissa Cornelius as an Associate Member, Mr. Ronald Starling as an Emeritus Member and affirm the current members to NCEES. Mr. Epperson seconded. After discussion, Motion Carried.

2. Whether A.A.C. R-4-203(A)(1) Authorizes Registration of Architect Applicants without Requiring Completion of Individual Development Program. (See: Section 7(B).0 – This Item was withdrawn.

11. LAPSED LIST – Mr. Epperson moved to lapse the registration of the individuals as listed. Dr. Schaefer Kliman seconded. Motion Carried.

12. **DIRECTOR'S REPORT – Mr. Dalrymple advised:**

Budget

Mr. Dalrymple advised both the Joint Legislative Budget Council ("JLBC") and the Governor's Office of Strategic Planning and Budget Office ("OSPB") have established the Board's budget baseline for Fiscal Year ("FY") 2011 at 23 employees and \$1,735,000.00. This is the base starting point for any cuts or additions as the annual budgets are developed.

Finances

As of December 31, 2009, the Board's revenue for FY2010 totals \$774,365 and expenditures total \$688,881. It is currently estimated that the Board's revenue for FY2010 will exceed expenditures by approximately \$200,000.

The Board is currently in the process of signing on with Lexis\Nexus to assist staff with locating delinquent registrants with invalid record addresses and also to assist investigators in locating individuals.

Personnel

The Board hired Jenny Lubben as an investigator. Ms. Lubben started on January 25, 2010 and is assigned to the Investigations Unit. Ms. Lubben worked for the Arizona Supreme Court as a Complaint Specialist and then a Program Specialist III for their Programs and Investigations Unit of the Certifications and Licensing Division from 2007 thru 2009. She has an Associates Degree in Criminal Justice; a B.S. in Administration of Criminal Justice from NAU, and is currently working on an M.A. in Public Management through NAU.

Legislation

The House Commerce Committee will be hearing the proposed Home Inspector bill adding pools and spas to the items to be inspected on January 27, 2010.

A bill originating out of the Governor's Meth Task Force is being distributed to legislators in an effort to find a possible sponsor. The bill would increase penalties for a number of current violations committed by non-registrants. It would also give peace officer status to some Board investigators allowing them better access to law enforcement records, allowing them to re-post seized sites, and enhance their ability to locate and prepare criminal complaints against those who commit acts of fraud related to renting and selling unremediated residences without disclosing their status to the renter or buyer.

13. BOARD CHAIR'S REPORT – Nothing new to report.

14. STANDING COMMITTEE REPORT

1. Legislation and Rules Committee ("L&R") – Dr. Schaefer Kliman advised the L&R Committee meeting scheduled for today has been cancelled due to a lack of quorum. She will advise when the next meeting is scheduled.
2. Budget Committee – Nothing additional to what has been reported in the Director's Report.
3. Home Inspector Rules and Standards Committee ("HIRS") – Mr. Shay advised the HIRS committee will meet next in February 2010 and he will provide a report after that meeting.
4. Environmental Remediation Rules and Standards Committee ("ERRS") – Mr. Weiland advised the ERRS Committee is scheduled to meet at 2 PM today and he will provide a report at the February Board meeting.

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. National Council of Examiners for Engineering and Surveying ("NCEES") – Nothing to report.
2. National Council of Architectural Registration Boards ("NCARB") – Nothing to report.
3. Council of Landscape Architectural Registration Boards ("CLARB") – Nothing to report.


4. National Association of State Boards of Geology ("ASBOG") – Mr. Weiland advised Mr. Dalrymple sent the letter to ASBOG regarding the raising of fees.

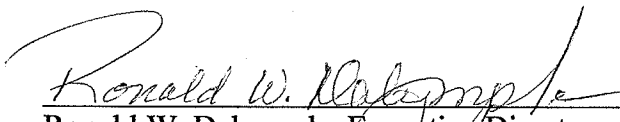
16. FUTURE BOARD MEETINGS – Tuesday, February 23, 2010 at 9:30 AM.

17. FUTURE AGENDA ITEMS – Ms. Cesare requested that Jared Brown's matter be placed on the next Agenda for follow up.

18. ADJOURNMENT – Meeting adjourned at 12:34 PM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION


Karen M. Cesare, Chair


Ronald W. Dalrymple, Executive Director